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“Defendants”. Said Response is made pursuant to Federal Rules of Civil Procedure 12, *et seq.* By way of Answer, these Defendants would respectfully show this Court as follows:¹

I. Plaintiffs’ Preliminary Statement

b. Defendants admit that the D.I.S.D.’s current trustee district configuration contains nine single member districts, but Defendants deny the allegations made in the preliminary statement of Plaintiffs.

c. Defendants are without sufficient knowledge to admit or deny the truth of the statements concerning Plaintiffs’ motives for the filing of this suit. Defendants deny that Plaintiffs are entitled to the relief they identify in this statement.

II. Parties

A. Plaintiffs

1. Defendants admit that Plaintiff Garza is a citizen of the State of Texas, but do not have sufficient information to either admit or deny his residence address or his registration status. Defendants further admit that Garza served as a Trustee on the Board of Education of the DISD from 1969 - 1971. Defendants do not have sufficient knowledge to either admit or deny the remaining facts made subject of paragraph 1 of Plaintiff’s Complaint.

2. Defendants admit that Plaintiff Vaca is a citizen of the State of Texas, but do not have sufficient information to either admit or deny his residence address or his registration status. Defendants do not have sufficient knowledge to either admit or deny the remaining facts made subject of paragraph 2 of Plaintiffs’ Complaint.

¹ The introductory paragraphs of Plaintiff’s Complaint are not numbered. In order to ensure that this Answer corresponds to the Plaintiff’s numbered paragraphs for ease of reference, Defendants have identified the responses to the unnumbered Complaint paragraphs with lower-case letters. The section headings and letter sections of the Complaint in this Answer follow those in Plaintiffs’ Complaint.

B. Defendants

3. Defendants admit the allegations of paragraph 3 of Plaintiffs' Complaint.
4. Defendants admit the allegations of paragraph 4 of Plaintiffs' Complaint.
5. Defendants admit the allegations of paragraph 5 of Plaintiffs' Complaint.
6. Defendants admit the allegations of paragraph 6 of Plaintiffs' Complaint.
7. Defendants admit the allegations of paragraph 7 of Plaintiffs' Complaint.
8. Defendants admit the allegations of paragraph 8 of Plaintiffs' Complaint.
9. Defendants admit the allegations of paragraph 9 of Plaintiffs' Complaint.
10. Defendants admit the allegations of paragraph 10 of Plaintiffs' Complaint.
11. Defendants admit the allegations of paragraph 11 of Plaintiffs' Complaint.
12. Defendants admit the allegations of paragraph 12 of Plaintiffs' Complaint.
13. Defendants admit the allegations of paragraph 13 of Plaintiffs' Complaint.

III. Jurisdiction and Venue

14. Defendants admit the allegations of paragraph 14 of Plaintiffs' Complaint.
15. Defendants admit the allegations of paragraph 15 of Plaintiffs' Complaint.
16. Defendants admit the allegations of paragraph 16 of Plaintiffs' Complaint.

IV. Facts Applicable to All Counts

D.I.S.D. Generally

17. Defendants admit the allegations of paragraph 17 of Plaintiffs' Complaint.
18. Defendants admit the allegations of paragraph 18 of Plaintiffs' Complaint.
19. Defendants admit the fact of the diverse nature of the student population of the DISD, but deny the statistical and numerical data as set forth in the remainder of paragraph 19 of Plaintiffs'

Complaint. Defendants also deny the remaining of the allegations in paragraph 19 of Plaintiffs' Complaint.

Historical Allegations

20. Defendants admit that private school is not a viable option for the vast majority of children otherwise served by the D.I.S.D. Defendants admit the allegations of the last sentence of paragraph 20 of Plaintiffs' Complaint.

21. Defendants deny the allegations of the first three sentences of paragraph 21 of Plaintiffs' Complaint. **Check with regard to 3% of DISD budget.**

22. Defendants admit the allegations of paragraph 22 of Plaintiffs' Complaint insofar as it identifies actions taken by the United States District Court. .

23. Defendants admit that fact that 7.8% of the students attending the DISD schools are white (so-called "non-Hispanic" by Plaintiffs). Defendants deny the remaining allegations of paragraph 23 of Plaintiffs' Complaint.

24. Defendants deny the allegations of paragraph 24 of Plaintiff's Original Complaint.

C. The Board of Education

25. Defendants admit the allegations of paragraph 25 of Plaintiffs' Complaint.

26. Defendants admit the allegations of the first sentence paragraph 26 of Plaintiffs' Complaint. The Plaintiffs' characterization of the relative importance of one Board function is irrelevant, and does not require a response.

27. Defendants admit the allegations of paragraph 27 of Plaintiffs' Complaint.

D. The D.I.S.D.'s Nine Single-Member Districts

28. Defendants admit the allegations of paragraph 28 of Plaintiffs' Complaint.

29. Defendants admit the allegations of paragraph 29 of Plaintiffs' Complaint.

30. Defendants admit the allegations of paragraph 30 of Plaintiffs' Complaint.

31. Defendants admit the allegations of paragraph 31 of Plaintiffs' Complaint.

32. Defendants admit the allegations of paragraph 32 of Plaintiffs' Complaint.

33. Defendants admit the allegations of the first sentence of paragraph 33 of Plaintiffs' Complaint.

Defendants admit that the criteria listed in the second sentence are criteria that a governmental entity might consider in the redistricting process, but deny that all or any particular one of them are required to be utilized. The Defendants admit that for "one person, one vote" purposes, a redistricting plan that has a maximum total deviation between the total populations of its most and least populous districts of ten per cent (10%) is presumptively constitutional; that the Texas Education Code requires the use of compact and contiguous districts; and that Section 5 of the Voting Rights Act of 1965, as amended, requires that retrogression be avoided to the extent reasonably feasible, considering a proposed redistricting plan as a whole in comparison to the legal benchmark plan.

34. Defendants neither admit nor deny the characterizations of paragraph 34 of Plaintiffs' Complaint, insofar as they do no more than purport to give justification to the criteria listed by Plaintiffs in paragraph 33 of Plaintiffs' Complaint, and do not therefore require a response.

35. Defendants deny the characterization of the Board's actions contained in paragraph 35 of Plaintiffs' Complaint. Defendants admit that if race-based considerations predominate to the subordination of traditional redistricting principles, a redistricting plan may be subject to an Equal Protection Clause strict scrutiny test, but deny that race may not be the predominant factor considered in devising a plan under appropriate circumstances.

36. Defendants deny the allegations of paragraph 36 of Plaintiffs' Complaint.

37. Defendants deny the allegations of paragraph 37 of Plaintiffs' Complaint except to the extent that it alleges that the then-serving Board of Trustees of the D.I.S.D. (including Plaintiff Garza)

considered race as one of the factors in its redistricting process in 1991, and to the extent that it alleges that certain Trustee districts contained racial and ethnic population concentrations.

38. Defendants admit the allegations of paragraph 38 of Plaintiffs' Complaint to the extent that they generally describe the geographical shape and extent of the identified Trustee District; but Defendants assert that the shape, extent and character of the Trustee District is best depicted by considering it as accurately shown on a map of the D.I.S.D. Trustee Districts as a whole as opposed to the generalized characterization as advanced by Plaintiffs' Complaint.

39. Defendants admit the allegations of paragraph 39 of Plaintiffs' Complaint to the extent that they generally describe the geographical shape and extent of the identified Trustee District; but Defendants assert that the shape, extent and character of the Trustee District is best depicted by considering it as accurately shown on a map of the D.I.S.D. Trustee Districts as a whole as opposed to the generalized characterization as advanced by Plaintiffs' Complaint.

40. Defendants admit the allegations of paragraph 40 of Plaintiffs' Complaint to the extent that they generally describe the geographical shape and extent of the identified Trustee District; but Defendants assert that the shape, extent and character of the Trustee District is best depicted by considering it as accurately shown on a map of the D.I.S.D. Trustee Districts as a whole as opposed to the generalized characterization as advanced by Plaintiffs' Complaint.

41. Defendants deny the allegations of paragraph 41 of Plaintiffs' Complaint.

42. Defendants deny the allegations of paragraph 42 of Plaintiffs' Complaint.

E. The Changing Face of Dallas

43. Defendants admit the allegations of paragraph 43 of Plaintiffs' Complaint only to the extent that it alleges that the U.S. Census Bureau released P.L. 94-171 population data for Texas in March,

2001. Defendants decline to comment upon Plaintiffs' characterizations as to the meaning of that data, as same is irrelevant.

44. Defendants admit the allegations of the first sentence of paragraph 44 of Plaintiffs' Complaint only the extent that it alleges that the population of Dallas has increased since the 1990 Census. Defendants admit the remaining allegations of paragraph 44 of Plaintiffs' Complaint.

45. Defendants are without sufficient information to either admit or deny the allegations of the first three sentences of paragraph 45 of Plaintiffs' Complaint. Defendants deny the remaining allegations of paragraph 45 of Plaintiffs' Complaint.

F. Imminent Harm

46. Defendant admit that certain areas of the city of Dallas have grown more rapidly than others and that there has been a rise in the Hispanic population of Dallas. Defendants deny the remaining (and irrelevant) statements of fact contained in paragraph 46 of Plaintiffs' Complaint.

47. Defendants deny the allegations of paragraph 47 of Plaintiffs' Complaint.

48. Defendants admit that redistricting of the nine districts of the DISD will not be completed prior to the upcoming May 5th election, although it had been commenced prior to the institution of this suit. Defendants deny the remaining allegations contained in paragraph 47 of Plaintiffs' Complaint.

49. Defendants deny the allegations of paragraph 48 of Plaintiffs' Complaint, except to the extent that this paragraph alleges that the D.I.S.D. is required to redistrict and that all nine Trustees are required by existing state law to stand for reelection at the next regularly scheduled Board election following the redistricting.

50. Defendants deny the allegations of paragraph 50 of Plaintiffs' Complaint.

G. Consequences

51. Defendants admit the allegations of the first sentence of paragraph 50 of Plaintiffs' Complaint. Defendants admit the allegations of the last sentence of paragraph 50 of Plaintiffs' Complaint. Defendants deny the remaining allegations of paragraph 50 of Plaintiffs' Complaint.
52. Defendants deny the allegations of paragraph 52 of Plaintiffs' Complaint.

V. Claims

A. Count One: 42 U.S.C. § 1983 and the Fourteenth Amendment

53. Defendants reassert their responses to paragraph 1 through 52 of Plaintiffs' Complaint.
54. Defendants admit that equal representation is a fundamental principal or representative government. Defendants deny the remaining allegations contained in paragraph 54 of Plaintiffs' Original Petition.
55. Defendants admit that Plaintiffs have correctly cited 42 U.S.C. §1983.
56. The Defendants admit that for "one person, one vote" purposes, a redistricting plan that has a maximum total deviation between the total populations of its most and least populous districts in excess of ten per cent (10%) is presumptively unconstitutional.
57. The Defendants admit that prior to the redistricting which is currently in process, and due to nine years of shifting population patterns, the difference between the least and the most populous Trustee Districts exceeds ten per cent (10%). The Defendants deny the remaining allegations contained in paragraph 57 of Plaintiffs' Original Petition.
58. Defendants deny the allegations of paragraph 58 of Plaintiffs' Complaint.
59. Defendants deny the allegations of paragraph 59 of Plaintiffs' Complaint.
60. Defendants deny the allegations of paragraph 60 of Plaintiffs' Complaint.

61. Defendants deny the allegations of paragraph 61 of Plaintiffs' Complaint.

62. Defendants admit that there is a actually and justiciable controversy without admitting the claims made by Plaintiffs herein (save as otherwise admitted in this Answer). Defendants deny that declaratory and injunctive relief as prayed for by Plaintiffs in paragraph 62 of Plaintiffs' Complaint is appropriate.

B. Count Two: Section Two of the Voting Rights Act

63. Defendants reassert their responses to paragraphs 1 through 62 of Plaintiffs' Complaint.

64. Defendants admit the allegations of paragraph 64 of Plaintiffs' Complaint.

65. Defendants deny the allegations of paragraph 65 of Plaintiffs' Complaint.

66. Defendants admit that the 2000 Census may well indicate that Hispanics in Dallas are a sufficiently large and geographically compact group to constitute a majority in more than two districts with a Hispanic majority and that the Hispanic minority is political cohesive. Defendants deny the remaining allegations contained in paragraph 66 of Plaintiffs' Complaint.

67. Defendants deny that Plaintiffs' request for declaratory injunctive relief in appropriate.

C. Count Three: 42 U.S.C. § 1983 and the Fifteenth Amendment

68. Defendants reassert their responses to paragraphs 1 through 67 of Plaintiffs' Complaint.

69. Defendants admit that the Plaintiffs have correctly recited the substance of the Fifteenth Amendment to the United States Constitution.

70. Defendants deny the allegations of paragraph 70 of Plaintiffs' Complaint.

71. Defendants deny the allegations of paragraph 71 of Plaintiffs' Complaint.

72. Defendants deny the allegations of paragraph 72 of Plaintiffs' Complaint.

73. Defendants deny the allegations of paragraph 73 of Plaintiffs' Complaint.

74. Defendants deny the allegations of paragraph 74 of Plaintiffs' Complaint.

D. Count Four: Attorneys' Fees

75. Defendants reassert their response to paragraph 1 through 74 of Plaintiffs' Complaint.

76. Defendants deny the allegations of paragraph 76 of Plaintiffs' Complaint.

d. Defendants deny the propriety of requests for relief in Plaintiffs' Complaint.

Affirmative Defense

Pleading further, should further pleading be necessary, pursuant to F.R.CIV.P. 8(c), the Defendants would respectfully assert that the Plaintiffs claims are not yet ripe for adjudication by this Court.

Pleading further, should further pleading be necessary, pursuant to F.R.CIV.P. 8(c), the Defendants would respectfully assert that the Plaintiffs claims as set forth in Count One and Three are barred by the doctrine of laches.

Pleading further, should further pleading be necessary, pursuant to F.R.CIV.P. 8(c), the Defendants would respectfully assert that the Plaintiffs claims as set forth in Count One and Three are barred by the doctrine of estoppel.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiffs be made to prove the allegations made in their Original Complaint by a preponderance of the evidence as required by the Constitution and laws of the United States, and that upon final hearing, that this

Court enter a judgment by which Plaintiff take nothing, that these Defendants be awarded their costs, and for all such other and further relief at law and in equity to which these Defendants may show themselves justly entitled.

Respectfully submitted,



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Dawn Kahle Doherty
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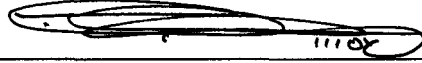
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon all parties in accordance with the relevant Rules of Civil Procedure by hand delivering a copy of same to all counsel of record upon the date of filing.

A handwritten signature in black ink, appearing to read "Eric V. Moyé", written over a horizontal line.

Eric V. Moyé